APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,688	01/14/2004	Lisa S. Purvis	D/A3267 (1508/3940)	4094

7590   02/17/2011

Gunnar G. Leinberg, Esq.
Nixon Peabody LLP
Clinton Square
P.O. Box 31051
Rochester, NY 14603-1051

EXAMINER
TSUI, WILSON W

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
02/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/757,688	PURVIS ET AL.
	Examiner	Art Unit	
	WILSON TSUI	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 December 2010</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This non-final action is in response to the RCE filed on: 12/09/2010.

2.   Claims 1-29 are pending. Claims 1, 9, and 18 are independent claims.

3.   Claims 1, 2, 4-7, 9-11, 13-16, 18-20, and 22-29 remain rejected under 35 U.S.C.

103(a) as being unpatentable over Nakatani, in view of Niyogi et al, and further view of

Berkner et al.

4.   Claims 3, 12, and 21 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Nakatani, in view of Niyogi et al, in view of Berkner et al, and further

in view of Zlotnick.

5.   Claims 8, 17, and 26 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Nakatani, in view of Niyogi et al, in view of Berkner et al, and further

in view of Wanderski et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 2, 4-7, 9-11, 13-16, 18-20, and 22-29 remain rejected under 35 U.S.C.

103(a) as being unpatentable over Nakatani (US Patent: 5,438,657, issued: Aug. 1,

1995, filed: Mar. 11, 1993), in view of Niyogi et al (US Patent: 7,197,702 B2, issued:

Mar. 27, 2007, filed: Jun. 13, 2003), and further view of Berkner et al (US Patent:

7,272,258 B1, issued: Sep. 18, 2007, filed: Jan. 29, 2003).

With regards to claim 1, Nakatani teaches: *A document layout processing device*

comprising: at least one processor; at least one memory coupled to the processor

configured to execute programmed instructions stored in the memory comprising:

comparison system configured to compare one or more elements of at least a portion of

an original document against the same types of elements in at least a portion each of a

plurality of stored documents, wherein the portion of the original document is the portion

that requires adjustment or re-layout (Abstract, column 1, lines 52-67, and column 2,

lines 1-37: whereas, a comparison system is adapted to compare one or more data

elements of a portion of one of document against the same types of a plurality of

given/stored documents , such that the portion of the original document is properly

adjusted to reflect the layout of the stored/given document).

A determination system configured to identify a particular stored document, with the

portion which is closest to the portion of the original document based on the comparing

(column 2, lines 19-37: whereas the portions that are identified using the stored/given

document are matched to the portion in the original document).

An identification system configured to identify a designated output system (column 18,

lines 25-35: whereas, the output system identified is based upon the output system of

one or more stored documents given for learning/layout-processing)

A mutation system configured to apply one or more mutators, to the portion of the original document which were applied to mutate the portion of the identified stored document, to form a mutated portion in original document data (column 18, lines 4-55: whereas, section location/layout adjustment is implemented to the portion of data of the original document).

However, Nakatani does not expressly teach ...*identify a particular stored document in the plurality of stored documents,* ... to form a mutated portion in *the* original document, wherein the mutation system *determines which of the one or more mutators to apply based on one or more characteristics of the designated output system.*

Yet, Niyogi et al teaches *identify a particular stored document in the plurality of stored documents* (column 3, lines 9-13, column 6, lines 62-67, column 7, lines 51-61: whereas, a plurality of text theme documents are identified for selection of a closest control type).

It would have been obvious to one of the ordinary skill in the art to have modified Nakatani's method for referring to a stored document, such that a particular document among a plurality of stored documents is identified for selection, as taught by Niyogi et.al. The combination of Nakatani and Niyogi et al would have "applied themes in a web page document in a manner that the theme may be consistently and more easily applied across multiple related documents and in which changes to the theme may be

more easily applied across all related web page text documents" (Niyogi et al, column 2, lines 49-53).

However, Nakatani and Niyogi et al does not expressly teach to form a mutated portion in *the* original document, wherein the mutation system *determines which of the one or more mutators to apply based on one or more characteristics of the designated output system*.

Yet, Berkner et al teaches ... to form a mutated portion in *the* original document, wherein the mutation system *determines which of the one or more mutators to apply based on one or more characteristics of the designated output system* (Fig 1: whereas, an original document is analyzed, and mutated/changed, such that the original document is changed/mutated into a final output document. Additionally, as explained in column 5, lines 45-67: whereas one or more mutators/reflow operations are applied based upon output display constraints).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified the combination of Nakatani and Niyogi et al's method for adjusting original document data, such that the adjusted/mutated document data is applied to an original source document with respect to an identified output system, as taught by Bernker et al. The combination would have allowed Nakatani to have implemented layout analysis in order to adjust a document, such that more reliable /accurate mutations/changes are implemented/produced (Berkner et al, column 1, lines 5-10, column 2, lines 10-15).

With regards to claim 2, which depends on claim 1, Nakatani teaches *wherein the processor is further configured to execute programmed instructions stored in the memory comprising a selection system configured to select the portion of the original document for comparing* (column 18, lines 4-55: whereas, sections are selected based upon different granularity i.e. blocks)

With regards to claim 4, which depends on claim 1, Nakatani teaches *wherein the processor is further configured to execute programmed instructions stored in the memory comprising an ordering system in the document layout processing device configured to determine an order for the mutation system to apply the mutators to the original document* (column 18, lines 4-55: whereas a mutation system/layout-conversion is implemented to apply mutators for ordering an original document)

With regards to claim 5, which depends on claim 1, Nakatani teaches *wherein the processor is further configured to execute programmed instructions stored in the memory comprising an application system in the document layout processing device configured to determine which one of the one or more mutators which were used in the portion of the identified stored document are to be used by the mutation system on the original document* (Abstract: whereas, the mutators/changes- necessary to create a stored document, are captured such that mutators are used on the original document to sustain a consistent layout)

With regards to claim 6, which depends on claim 1, Nakatani teaches *wherein the processor is further configured to execute programmed instructions stored in the memory comprising an output system which outputs the original document after application of the mutators* (Abstract: whereas, the original document is converted after application of mutators indicated from learning data)

With regards to claim 7, which depends on claim 6, Nakatani teaches an wherein the processor is further configured to execute programmed instructions stored in the memory comprising *identification system in the document layout processing device configured to identify the output system wherein one of the elements used in the comparison system is the identified output system against an output system used for each of the stored documents and wherein the determination system uses the comparison of the identified output system against an output system used for each of the stored documents in identifying the stored document with the portion which is closest to the portion of the original document* (column 18, lines 25-35: whereas, the output system identified is based upon the output system of one or more stored documents given for learning/layout-processing)

With regards to claim 9, for performing a method similar to the method performed by the device of claim 1, is rejected under similar rationale.

With regards to claim 10, for performing a method similar to the method performed by the device of claim 1, is rejected under similar rationale.

With regards to claim 11, which depends on claim 9, for performing a method similar to the method performed by the device of claim 2, is rejected under similar rationale.

With regards to claim 13, which depends on claim 9, for performing a method similar to the method performed by the device of claim 4, is rejected under similar rationale.

With regards to claim 14, which depends on claim 9, for performing a method similar to the method performed by the device of claim 5 is rejected under similar rationale.

With regards to claim 15, which depends on claim 9, for performing a method similar to the method performed by the device of claim 6, is rejected under similar rationale.

With regards to claim 16, which depends on claim 9, for performing a method similar to the method performed by the device of claim 7, is rejected under similar rationale.

With regards to claim 18, for a computer readable medium, performing a method similar to the method performed by the device of claim 1, is rejected under similar rationale.

With regards to claim 19, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the device of claim 1, is rejected under similar rationale.

With regards to claim 20, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the device of claim 2, is rejected under similar rationale.

With regards to claim 22, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the device of claim 4, is rejected under similar rationale.

With regards to claim 23, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the device of claim 5, is rejected under similar rationale.

With regards to claim 24, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the device of claim 6, is rejected under similar rationale.

With regards to claim 25, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the device of claim 7, is rejected under similar rationale.

With regards to claim 27, which depends on claim 1, Nakatani and Niyogi et al teaches *the one or more mutators,* as similarly explained in the rejection for claim 1, and is rejected under similar rationale. Furthermore, Niyogi et al further teaches wherein the one or more mutators *include at least one of a font type adjustor adapted to electronically adjust a font of the portion of the original document, at least one color adjustor adapted to electronically adjust a color of the portion of the original document, and at least one of a line spacing adjustor, at least one color adjustor and at least one section location adjustor in the portion of the original document, adapted to electronically adjust a line spacing and a section location, respectively, of the portion of the original document* (whereas, as taught in column 18, lines 4-55: section location/layout adjustment is implemented in the portion of the original document).

With regards to claim 28, which depends on claim 9, Nakatani and Niyogi et al teaches *the one or more mutators,* as similarly explained in the rejection for claim 1, and is rejected under similar rationale. Furthermore, Niyogi et al further teaches wherein the

one or more mutators *include at least one of a font type adjustor adapted to electronically adjust a font of the portion of the original document, at least one color adjustor adapted to electronically adjust a color of the portion of the original document, and at least one of a line spacing adjustor, at least one color adjustor and at least one section location adjustor in the portion of the original document, adapted to electronically adjust a line spacing and a section location, respectively, of the portion of the original document* (whereas, as taught in column 18, lines 4-55: section location/layout adjustment is implemented in the portion of the original document).

With regards to claim 29, which depends claim 18, Nakatani and Niyogi et al teaches *the one or more mutators,* as similarly explained in the rejection for claim 1, and is rejected under similar rationale. Furthermore, Niyogi et al further teaches wherein the one or more mutators *include at least one of a font type adjustor adapted to electronically adjust a font of the portion of the original document, at least one color adjustor adapted to electronically adjust a color of the portion of the original document, and at least one of a line spacing adjustor, at least one color adjustor and at least one section location adjustor in the portion of the original document, adapted to electronically adjust a line spacing and a section location, respectively, of the portion of the original document* (whereas, as taught in column 18, lines 4-55: section location/layout adjustment is implemented in the portion of the original document).

7.   Claims 3, 12, and 21 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Nakatani (US Patent: 5,438,657, issued: Aug. 1, 1995, filed: Mar. 11,

1993), in view of Niyogi et al (US Patent: 7,197,702 B2, issued: Mar. 27, 2007, filed:

Jun. 13, 2003), in view of Berkner et al (US Patent: 7,272,258 B1, issued: Sep. 18,

2007, filed: Jan. 29, 2003), and further in view of Zlotnick (US Patent: 6,778,703 B1,

issued: Aug. 17, 2004, filed: Apr. 19, 2000).

With regards to claim 3, which depends on claim 1, Nakatani teaches wherein

the determination system further comprises a comparison *system* to compare one or

more elements of at least a portion of the original document against each of the portions

of the plurality of stored documents, as similarly explained in the rejection for claim 1.

However, Nakatani does not expressly teach *a scoring system in the document*

layout processing device configured to generate a score for each of the comparisons of

the portion of the original document against each of the portions of each of the plurality

of stored documents, wherein the determination system identifies the particular stored

document with the portion with the score which is closest to the portion of the original

document based on the generated scores.

Zlotnick teaches a determination system further comprises a scoring system that

generates a score for *each of the comparisons of the portion of the original document*

against each of the portions of each of the plurality of stored documents, wherein the

determination system identifies the stored document with the portion with the score

which is closest to the portion of the original based on the generated scores (column 2,

lines 38-45: whereas, the 'current'/original document/template is, being compared to

other document/templates, and a stored document/template is selected based on the
closes matching score).

It would have been obvious to one of the ordinary skill in the art at the time of the
invention to have modified Nakatani, Niyogi et al, and Berkner et al's determination
system such that it would have included a comparison ranking system for selection of
the closest matched stored document as taught by Zlotnick. The combination of
Nakatani, Niyogi et al, Berkner et al and Zlotnick would have allowed Nakatani's system
to have "provided improved methods for automatically identifying which of a plurality of
templates (documents) corresponds to a given form document" (Zlotnick, column 2,
lines 10-14).

With regards to claim 12, which depends on claim 9, for performing a method
similar to the method performed by the device of claim 3, is rejected under similar
rationale.

With regards to claim 21, which depends on claim 18, for a computer readable
medium, performing a method similar to the method performed by the device of claim 3,
is rejected under similar rationale.

8.   Claims 8, 17, and 26 remain rejected under 35 U.S.C. 103(a) as being
unpatentable over Nakatani (US Patent: 5,438,657, issued: Aug. 1, 1995, filed: Mar. 11,
1993), in view of Niyogi et al (US Patent: 7,197,702 B2, issued: Mar. 27, 2007, filed:
Jun. 13, 2003), in view of Berkner et al (US Patent: 7,272,258 B1, issued: Sep. 18,

2007, filed: Jan. 29, 2003), and further in view of Wanderski et al (US Patent: 6519617
B1, issued: Feb. 11, 2003, filed: Apr. 8, 1999).

With regards to claim 8, which depends on claim 1, Nakatani et al does not
expressly teach *comprising storing the output, original document with the applied
mutators as one of the stored documents.*
However, Wanderski et al teaches a system comprising storing the output, original
document with the applied mutators as one of the stored documents (column 14, lines
48-52: whereas, the DTD contains one or more mutators for the document, and the
generated output can be stored for later processing).
It would have been obvious to one of the ordinary skill in the art at the time of the
invention to have modified Nakatani system to have further included the ability to store
the output as one of the stored documents as taught by Wanderski et al. The
combination of Nakatani, Niyogi et al, Berkner et al, and Wanderski et al would have
allowed Lopresti et al's system to have "automatically transformed documents using
dynamically –selected transformations" (Wanderski et al, column 4, lines 13-14).

With regards to claim 17, which depends on claim 9, for performing a method
similar to the method performed by the device of claim 8, is rejected under similar
rationale.

With regards to claim 26, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the device of claim 8, is rejected under similar rationale.

Response to Arguments

9.   Applicant's arguments filed 12/09/10 have been fully considered but they are not persuasive.

10.   With respect to claim 1, the applicant argues that Nakatani does not teach or suggest "identifying a designated output system and then determining which of the one or more mutators to apply based on one or more characteristics of the designated output system" … and similarly "none of the other cited references teach or suggest these limitations".

11.   However, this argument is not persuasive, and the examiner respectfully directs attention to the rejection above, which further explains how the combination Berkner et al's mutation system (which is combined with Nakatani and Niyogi et al), further teaches the argued limitation (column 5, lines 45-67: whereas one or more mutators/reflow operations are appropriately applied based upon output display constraints).

12.   With respect to claims 9 and 18, the applicant argues that they are allowable for reasons similar to why claim 1 is allowable. However, this argument is not persuasive since claim 1 has been shown/explained to be rejected.

13.   With respect to claims 2-9, and 27, the applicant argues they are allowable since they contain the limitations of claim 9. However, this argument is not persuasive since claim 9 has been shown/explained to be rejected.

14.   With respect to claims 19-26, and 29, the applicant argues they are allowable since they contain the limitations of claim 18. However, this argument is not persuasive since claim 18 has been shown/explained to be rejected.

Conclusion

15.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILSON TSUI whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wilson Tsui/
Patent Examiner
Art Unit: 2178
January 26, 2010

| /CESAR B PAULA/ |
| Primary Examiner, Art Unit 2178 |